

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.,

Defendant.

Civil Case No. 19-CV-00736

Hon. Aleta A. Trauger

SPOTIFY USA INC.’S MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL

Pursuant to Section 5.07 of the Amended Practices and Procedures for Electronic Case Filing (Administrative Order 167-1), Spotify USA Inc. (“Spotify”) respectfully moves for leave to file under seal select portions of its Third-Party Complaint. Spotify’s counsel conferred with Plaintiffs’ counsel on May 29, 2020, and Plaintiffs do not oppose this request.

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons—specifically, by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” *Beauchamp v. Federal Home Loan Mortgage Co.*, 658 F. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305-306 (6th Cir. 2016)). Consistent with these requirements, Spotify redacted select portions of the Third-Party Complaint that concern confidential agreements (the “Agreements”) between Spotify and Kobalt Music Publishing America, Inc. (“Kobalt”), as well as confidential information exchanged pursuant to those Agreements.

Each of the Agreements prohibits public statements relating to its terms, and requires that information exchanged pursuant to the agreement be kept confidential. Accordingly, Spotify filed a partially redacted version of the Third-Party Complaint to avoid public disclosure of information not previously disclosed that could both violate the Agreements and implicate Spotify's and/or Kobalt's privacy interests. *See Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983) (recognizing the need to protect the "privacy rights" of third parties as a justification for filing information under seal); *Cotter v. Cent. Mich. Cnty. Hosp.*, 2010 WL 1136496, at *1 (E.D. Mich. Mar. 24, 2010) (granting motion to seal agreements that expressly prohibited public disclosure of their contents in order to protect the privacy interests of non-parties).

For similar reasons, this Court previously granted Spotify's motion for leave to file under seal select portions of materials submitted in connection with Spotify's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue, or, in the Alternative, to Transfer Venue to the Southern District of New York. *See* ECF No. 53.

WHEREFORE, Spotify respectfully requests that the Court grant Spotify leave to file unredacted versions of the Third-Party Complaint under seal.

Dated: May 29, 2020

Respectfully Submitted,

By: /s/ Aubrey B. Harwell III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on May 29, 2020 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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